

Ronald K. Brown, Jr., Esq. (Bar No.: 102012)
LAW OFFICES OF RONALD K. BROWN, JR.
901 Dove Street, Suite 120
Newport Beach, California 92660
Telephone: (949) 250-3322

Attorneys for Creditor,
SDCO Tustin Executive Center, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:) CHAPTER 11
) CASE NO.: 8:23-bk-10571-SC
)
THE LITIGATION PRACTICE GROUP P.C.,) DECLARATION OF RONALD K.
) BROWN, JR. IN SUPPORT OF
) SDCO TUSTIN EXECUTIVE CENTER,
Debtor.) INC.'S MOTION FOR ALLOWANCE
) AND PAYMENT OF
) ADMINISTRATIVE EXPENSE CLAIM
)

I, Ronald K. Brown, Jr., declare:

1. I am an attorney admitted to practice law before all of the courts of the State of California, as well as in the Central District of California. I am the attorney representing Defendant SDCO Tustin Executive Center, Inc. ("SDCO" or "Landlord") in this action. I make this declaration in support of Plaintiff's Motion for Allowance and Payment of Administrative Expense Claim. Except as may be indicated to the contrary, I have firsthand knowledge of the facts stated herein.

2. Debtor filed its Chapter 11 Petition on March 20, 2023.

3. On or about March 29, 2023, SDCO filed its Motion for Relief from the Automatic Stay – Unlawful Detainer ("RFS Motion") seeking an order allowing SDCO to

1 proceed with its nonbankruptcy remedies to obtain possession of the Premises located at 17542
2 E. 17th Street, Suites 100, 105, 250 & 330, Tustin, CA 92780 ("Premises") and to dispose of any
3 furniture, furnishings, office equipment and other personal property ("Personal Property") in the
4 Premises (Docket No. 19). The Relief from Stay Motion was based on the Debtor's non-
5 payment of rent under the parties' Lease ("Lease"). The hearing on the RFS Motion was held in
6 this Court on May 3, 2023. The Court granted SDCO's Motion and ordered that SDCO shall
7 have relief from stay to recover possession of the Premises and dispose of said Personal Property
8 in any manner that SDCO sees fit (i) without giving a statutory notice of right to reclaim
9 personal property to Debtor or Trustee under California Civil Code Section 1980, et seq.; and (ii)
10 without liability to Debtor or any other person, party or entity (Docket No. 61).

11 3. A Writ for Possession for the Property was issued in the State Court eviction action
12 and transferred to the Orange County Sheriff for posting and lock-out of Debtor from the
13 Premises.

14 4. On May 10, 2023, I emailed Richard Marshack, the trustee appointed in the Chapter
15 11 bankruptcy, and requested that possession of the Premises be returned to my client and that
16 changing the locks be authorized.

17 5. On May 17, 2023, I received a response from Attorney Ed Hays in Mr. Marshack's
18 office, Ed Hays, wherein he advised me that the "Trustee is willing to work with you (me) to
19 return possession as soon as possible."

20 6. On June 1, 2023, I responded to Mr. Hays and stated that my client was informed
21 that the Debtor vacated the Premises on May 30, 2023. I asked him to confirm that in writing so
22 that SDCO could proceed to change the locks since the Sheriff was in the process of posting a
23 lockout notice, but had not returned yet to complete the lockout.

24 7. On or about June 2, 2023, Mr. Hays confirmed that SDCO could change the locks at
25 the Premises, which SDCO did on that date. The email chain with Messrs. Marshack and Hays
26 are attached hereto collectively as Exhibit "A" and made a part hereof.

27 8. The Debtor/Trustee left personal property in the Premises after they vacated.
28

1 8. The Debtor/Trustee left personal property in the Premises after they vacated.

2 9. On August 1, 2023, I emailed Mr. Marshack's office and confirmed the Trustee did
3 not have any interest in the remaining personal property in the unit and that my client would be
4 handling it according to the reclaim notice and the Civil Code per the Order for Relief from Stay
5 authorizing my client to do so. The emails confirming the same are attached hereto collectively
6 as Exhibit "B."

7 10. SDCO holds an administrative expense claim against the Debtor's estate for
8 attorneys' fees and costs accrued from the Petition Date through the effective date that Trustee
9 confirmed that the Trustee relinquished any interest in the personal property in the Premises
10 (August 1, 2023) in the sum of \$13,908.00.
11

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct and that this declaration was executed on November 20, 2023, at
14 Newport Beach, California.

15 
16 RONALD K. BROWN, JR., OF COUNSEL
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Exhibit “A”

0004

Lesley Sich

From: Ed Hays <EHays@MarshackHays.com>
Sent: Wednesday, June 21, 2023 10:26 AM
To: Ronald K. Brown; Richard Marshack
Cc: Lesley Sich; Pam Kraus; Lori Ensley
Subject: Re: The Litigation Practice Group - Tustin Location

Lori, if you haven't already completed your review and made your recommendation to Richard, please do so promptly and advise as to Richard's decision. Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>
Date: Wednesday, June 21, 2023 at 11:20 AM
To: Ed Hays <EHays@MarshackHays.com>, Richard Marshack <RMarshack@MarshackHays.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>, Pam Kraus <pkraus@marshackhays.com>, Lori Ensley <ljensley@aol.com>
Subject: RE: The Litigation Practice Group - Tustin Location

Hi Ed: I am following up to see if Lori completed her review of the FF&E in the space. My client is going to move forward with reclaim notices and an auction if no one claims the items within the statutory time period. If the trustee plans on removing all the items, please let me know right away to save my client the time and expense of sending out reclaim notices and proceeding thru with an auction. I attach a copy of the inventory and valuation that my client obtained from the auctioneer. Thanks, Ron

From: Ronald K. Brown
Sent: Friday, June 02, 2023 6:12 PM
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Cc: Lesley Sich <lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>; Lori Ensley <ljensley@aol.com>
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Will do, thank you Ed. Ron

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To: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>
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Subject: Re: The Litigation Practice Group - Tustin Location

Ron:

I met with Tony earlier today and suggested he hand over the keys.

Please reply all with contact information for trustee's field agent, Lori Ensley (copied here) to make arrangements to go inspect the remaining contents.

I would suggest your client change the locks as soon as it is able so that the space is secure and Lori can make arrangements to view it. We don't need to change the locks because we are not asserting a right of possession. Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>
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Cc: Lesley Sich <lesley@rkbrownlaw.com>, Pam Kraus <pkraus@marshackhays.com>, Lori Ensley <ljensley@aol.com>
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Ed: Tony Diab from LPG came into my client's office and returned all the keys to the space. My client did a quick walk thru to see what was in there. Generally speaking, there are desks, chairs, cabinets, a couple of computers (but they may be air purifiers or similar devices); numerous cubicles, dividers and built in desks, files, filing cabinets and other items.

In that my client has keys to the space, do you want them to change the locks now? If so, that won't happen until at least Monday. Ron

From: Ed Hays <EHays@MarshackHays.com>
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Subject: Re: The Litigation Practice Group - Tustin Location

Ron:

Please get us the name of your client's LPG contact that was moving property. We will prepare a proposed stipulation. Thanks.

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Subject: RE: The Litigation Practice Group - Tustin Location

Ed: The motion for relief from stay had all the eviction notices attached to it. Check that in answer to your question on that issue.

Without waiving the attorney client privilege, below is an email from my client's property manager on removal of the FF&E:

"My Tenant contact has stated they would be 100% out by Tuesday 5/30. They had moving vans there over the weekend and moved most of their property out. Now he has gone dark on me. Can you reach out on your end to see if we can speed things up?"

Again, let me know if we have possession and can change the locks. We naturally will give the trustee and any secured lenders access to the space to remove any remaining items, if desired. Ron

From: Ed Hays <EHays@MarshackHays.com>

Sent: Thursday, June 1, 2023 9:53 AM

To: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>

Cc: Lesley Sich <lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>; Lori Ensley <lensley@aol.com>

Subject: Re: The Litigation Practice Group - Tustin Location

Ron:

When the debtor vacated, was anything left behind? Does your client know when debtor removed most of the contents of the premises? We would be very interested in knowing whether they removed property after trustee's appointment on May 8, 2023. Was there a 3-day notice to pay or quit that was served prior to the bankruptcy filing on March 20, 2023? If so, there may not be a lease to reject. Instead, any stipulation would be limited to return of possession pursuant to your relief from stay order. Let me know. Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>

Date: Thursday, June 1, 2023 at 9:38 AM

To: Ed Hays <EHays@MarshackHays.com>, Richard Marshack <RMarshack@MarshackHays.com>

Cc: Lesley Sich <lesley@rkbrownlaw.com>

Subject: RE: The Litigation Practice Group BK TWTE-007

Hi Ed: My client was informed that the debtor vacated the premises by 5/30. Can you please confirm that so my client can proceed to change the locks. I know the Sheriff posted a lockout notice several days ago, but has not returned yet to complete the lockout. Thanks. Ron

From: Ed Hays <EHays@MarshackHays.com>

Sent: Wednesday, May 17, 2023 11:32 AM

To: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>

Cc: Lesley Sich <lesley@rkbrownlaw.com>

Subject: Re: The Litigation Practice Group BK TWTE-007

Ron:

Trustee is willing to work with you to return possession as soon as possible. But, we first need to secure debtor's books and records and computers. We are in the process of doing so. Do you want to start working on a draft stipulation for rejection and return of possession? Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>

Date: Wednesday, May 17, 2023 at 11:28 AM

To: Richard Marshack <RMarshack@MarshackHays.com>

Cc: Lesley Sich <lesley@rkbrownlaw.com>, Ed Hays <EHays@MarshackHays.com>

Subject: RE: The Litigation Practice Group BK TWTE-007

Hi: I am following up on this. Is possession going to be returned to my client? Ron

From: Richard Marshack <RMarshack@MarshackHays.com>

Sent: Thursday, May 11, 2023 8:08 AM

To: Ronald K. Brown <ron@rkbrownlaw.com>

Cc: Lesley Sich <lesley@rkbrownlaw.com>; Ed Hays <EHays@MarshackHays.com>

Subject: Re: The Litigation Practice Group BK TWTE-007

I'm driving. Ed handle

Richard Marshack
Marshack Hays LLP
Sent from my iPhone

On May 10, 2023, at 4:48 PM, Ronald K. Brown <ron@rkbrownlaw.com> wrote:

Hi Richard: Hope you are well. I know you were just appointed as Trustee in this Chapter 11 case and you probably haven't wrapped your hands around it yet. Notwithstanding, I represent the owner/landlord for the Tustin property. I have been trying to recover possession of the property from the Debtor since this case was filed as we believe they ceased operations in the property some time ago. The Debtor's counsel would not respond to my requests for possession and I filed a motion for relief from stay to proceed with our state court UD. The RFS motion was granted on May 3rd. A copy of the Order is attached.

Both at the 341 hearing (on May 2nd) and at the RFS hearing, the Debtor and Debtor's counsel represented that they had some furniture and furnishings to remove from the property and that they would turn over keys and possession of the property no later than May 8th. Big surprise, May 8th came and went and they failed to deliver possession.

Now that you are Trustee, can you return possession of the property to my client and authorize them to change the locks? That will help to minimize our administrative rent claim against the estate. Our RFS order allows us to dispose of any personal property remaining in the premises per the Civil Code. We will do an inventory of anything left in the space; provide notice of what's left to you and the Debtor and counsel; and you can decide what you want us to do with it. We have not run a UCC-1 search, but I am guessing there are secured creditors who also would be entitled to notice to reclaim, but we can cross that bridge once possession is returned. Thanks, Ron Brown

Exhibit “B”

0009

Lesley Sich

From: Ronald K. Brown
Sent: Tuesday, August 01, 2023 12:20 PM
To: Lori Bicher
Cc: Ed Hays; Pam Kraus; Vivian Snelling; Richard Marshack; Lesley Sich; documents+marshack@txitrustee.com; Laila Masud
Subject: RE: The Litigation Practice Group - Tustin Location 23-10571 TWTE-007

Thanks, so based on Lori's email, it does not appear that the trustee has any interest in the remaining personal property in the unit and my client will handle it according to the reclaim notice and the Civil Code per the Order for Relief from Stay authorizing my client to do so. I appreciate the response. Ron Brown

From: Lori Bicher <ljsensley@aol.com>
Sent: Tuesday, August 01, 2023 11:58 AM
To: Ronald K. Brown <ron@rkbrownlaw.com>
Cc: Ed Hays <EHays@MarshackHays.com>; Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling <Vivian.Snelling@transwestern.com>; Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich <lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud <LMasud@marshackhays.com>
Subject: Re: The Litigation Practice Group - Tustin Location 23-10571

The furniture is of no value - there are no computers nor books nor records.

On Aug 1, 2023, at 11:20 AM, Ronald K. Brown <ron@rkbrownlaw.com> wrote:

Hi: Following up one last time on the emails below before my client proceeds to handle the property in accordance with the reclaim notice. Let me know if the trustee is removing anything from the leased premises. If so, it needs to be out of the premises by week end. Ron

From: Ronald K. Brown
Sent: Wednesday, July 26, 2023 9:58 AM
To: Ed Hays <EHays@MarshackHays.com>; Lori Bicher <ljsensley@aol.com>
Cc: Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling <Vivian.Snelling@transwestern.com>; Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich <lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud <LMasud@marshackhays.com>
Subject: RE: The Litigation Practice Group - Tustin Location 23-10571
Importance: High

Hi Ed: I know you've been busy with the sale of assets on this matter, but my client needs to clear out the personal property so they can market and try to relet the units. Is the trustee removing anything or not? If there is going to be a removal, it needs to get done now. Thanks, Ron

From: Ronald K. Brown
Sent: Wednesday, July 12, 2023 9:22 AM
To: Ed Hays <EHays@MarshackHays.com>; Lori Bicher <ljsensley@aol.com>
Cc: Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling <Vivian.Snelling@transwestern.com>; Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich <lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud

<LMasud@marshackhays.com>

Subject: RE: The Litigation Practice Group - Tustin Location 23-10571

Ed: I just want to give the trustee and your team a head's up in relation to the reclaim of any personal property out of the premises. My client requires that the party removing any items to have insurance. We checked back to see if the tenant/debtor's insurance was still in effect. It is not. Here is what my client reported:

The tenant's insurance has expired. We have listed the following expiration dates in our system.

General Liability: 7/1/23

Auto Liability: 11/2/22

Property Insurance: 7/1/23

Umbrella: 7/1/23

Workers Comp: 4/27/23

Thanks. Ron

From: Ed Hays <EHays@MarshackHays.com>

Sent: Tuesday, July 11, 2023 9:41 AM

To: Lori Bicher <lensley@aol.com>; Ronald K. Brown <ron@rkbrownlaw.com>

Cc: Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling <Vivian.Snelling@transwestern.com>;

Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich

<lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud

<LMasud@marshackhays.com>

Subject: Re: The Litigation Practice Group - Tustin Location 23-10571

Thanks.

Ed

From: Lori Bicher <lensley@aol.com>

Date: Tuesday, July 11, 2023 at 9:22 AM

To: Ronald K. Brown <ron@rkbrownlaw.com>

Cc: Pam Kraus <pkraus@marshackhays.com>, Vivian Snelling

<Vivian.Snelling@transwestern.com>, Ed Hays <EHays@MarshackHays.com>, Richard

Marshack <RMarshack@MarshackHays.com>, Lesley Sich

<lesley@rkbrownlaw.com>, documents+marshack@txitrustee.com <documents+marshack@txitrustee.com>, Laila Masud <LMasud@marshackhays.com>

Subject: Re: The Litigation Practice Group - Tustin Location 23-10571

I have an appointment at 3:00 pm this Friday July 14th to inspect the offices and determine if we need anything.

On Jul 10, 2023, at 3:02 PM, Ronald K. Brown <ron@rkbrownlaw.com> wrote:

Hi: The period in the Notice to Reclaim Property has now expired. I have not heard back from any of you whether the estate has an interest in any of the property and wish to remove it. If not, my client will proceed with disposition in accordance with the Notice. Please respond by return email. Thanks, Ron

From: Ronald K. Brown

Sent: Wednesday, June 21, 2023 6:00 PM

To: Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling
<Vivian.Snelling@transwestern.com>; Lori Bicher <ljensley@aol.com>; Ed Hays
<EHays@MarshackHays.com>

Cc: Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich
<lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud
<LMasud@marshackhays.com>

Subject: RE: The Litigation Practice Group - Tustin Location 23-10571

Yes; same property Pam. Rick and I are co-counsel to the landlord. I handle the BK issues. Rick is handling the state court matters, including FF&E disposition. Ron

From: Pam Kraus <pkraus@marshackhays.com>

Sent: Wednesday, June 21, 2023 4:47 PM

To: Vivian Snelling <Vivian.Snelling@transwestern.com>; Ronald K. Brown
<ron@rkbrownlaw.com>; Lori Bicher <ljensley@aol.com>; Ed Hays
<EHays@MarshackHays.com>

Cc: Richard Marshack <RMarshack@MarshackHays.com>; Pam Kraus
<pkraus@marshackhays.com>; Lesley Sich
<lesley@rkbrownlaw.com>; documents+marshack@txitrustee.com; Laila Masud
<LMasud@marshackhays.com>

Subject: RE: The Litigation Practice Group - Tustin Location 23-10571

All, I'm traveling but received the attached notice to reclaim from Richard Seide, attorney for the landlord at 17542 E. 17th.

Is that the property you are discussing below?

Pam Kraus
Trustee Case Administrator
Paralegal
Marshack Hays LLP
Direct Dial 530-295-1044
Office 949-333-7777
pkraus@marshackhays.com

From: Vivian Snelling <Vivian.Snelling@transwestern.com>

Sent: Wednesday, June 21, 2023 3:13 PM

To: Ronald K. Brown <ron@rkbrownlaw.com>; Lori Bicher <ljensley@aol.com>; Ed Hays
<EHays@MarshackHays.com>

Cc: Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich
<lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>

Subject: RE: The Litigation Practice Group - Tustin Location

Hi Lori,

I can provide access to the suites. I am scheduled to be on site on Friday at 9 AM for another meeting. Are you available to meet on site on Friday?

Please advise.

Thanks,

Vivian Snelling | Lic #: 02070267 | **TRANSWESTERN** | Property Manager | Direct: 714.202.2936

From: Ronald K. Brown <ron@rkbrownlaw.com>
Sent: Wednesday, June 21, 2023 3:11 PM
To: Lori Bicher <ljensley@aol.com>; Ed Hays <EHays@MarshackHays.com>
Cc: Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich <lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>; Vivian Snelling <Vivian.Snelling@transwestern.com>
Subject: RE: The Litigation Practice Group - Tustin Location

Lori: Vivian; She is copied on this email. Also see below. Ron

Vivian Snelling | Lic #: 02070267 | **TRANSWESTERN** | Property Manager | Direct: 714.202.2936

From: Lori Bicher <ljensley@aol.com>
Sent: Wednesday, June 21, 2023 1:49 PM
To: Ed Hays <EHays@MarshackHays.com>
Cc: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>; Lesley Sich <lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>
Subject: Re: The Litigation Practice Group - Tustin Location

Who has the keys to get me access?

On Jun 21, 2023, at 10:26 AM, Ed Hays <EHays@MarshackHays.com> wrote:

Lori, if you haven't already completed your review and made your recommendation to Richard, please do so promptly and advise as to Richard's decision. Thanks.

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Again, let me know if we have possession and can change the locks. We naturally will give the trustee and any secured lenders access to the space to remove any remaining items, if desired. Ron

From: Ed Hays <EHays@MarshackHays.com>
Sent: Thursday, June 1, 2023 9:53 AM
To: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>; Pam Kraus <pkraus@marshackhays.com>; Lori Ensley <ljensley@aol.com>
Subject: Re: The Litigation Practice Group - Tustin Location

Ron:

When the debtor vacated, was anything left behind? Does your client know when debtor removed most of the contents of the premises? We would be very interested in knowing whether they removed property after trustee's appointment on May 8, 2023. Was there a 3-day notice to pay or quit that was served prior to the bankruptcy filing on March 20, 2023? If so, there may not be a lease to reject. Instead, any stipulation would be limited to return of possession pursuant to your relief from stay order. Let me know. Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>
Date: Thursday, June 1, 2023 at 9:38 AM
To: Ed Hays <EHays@MarshackHays.com>, Richard Marshack <RMarshack@MarshackHays.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>
Subject: RE: The Litigation Practice Group BK TWTE-007

Hi Ed: My client was informed that the debtor vacated the premises by 5/30. Can you please confirm that so my client can proceed to change the locks. I know the Sheriff posted a lockout notice several days ago, but has not returned yet to complete the lockout. Thanks. Ron

From: Ed Hays <EHays@MarshackHays.com>
Sent: Wednesday, May 17, 2023 11:32 AM
To: Ronald K. Brown <ron@rkbrownlaw.com>; Richard Marshack <RMarshack@MarshackHays.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>
Subject: Re: The Litigation Practice Group BK TWTE-007

Ron:

Trustee is willing to work with you to return possession as soon as possible. But, we first need to secure debtor's books and records and computers. We are in the process of doing so. Do you want to start

working on a draft stipulation for rejection and return of possession?
Thanks.

Ed

From: Ronald K. Brown <ron@rkbrownlaw.com>
Date: Wednesday, May 17, 2023 at 11:28 AM
To: Richard Marshack <RMarshack@MarshackHays.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>, Ed Hays
<EHays@MarshackHays.com>
Subject: RE: The Litigation Practice Group BK TWTE-007

Hi: I am following up on this. Is possession going to be returned to my client? Ron

From: Richard Marshack <RMarshack@MarshackHays.com>
Sent: Thursday, May 11, 2023 8:08 AM
To: Ronald K. Brown <ron@rkbrownlaw.com>
Cc: Lesley Sich <lesley@rkbrownlaw.com>; Ed Hays
<EHays@MarshackHays.com>
Subject: Re: The Litigation Practice Group BK TWTE-007

I'm driving. Ed handle

Richard Marshack
Marshack Hays LLP
Sent from my iPhone

On May 10, 2023, at 4:48 PM, Ronald K. Brown
<ron@rkbrownlaw.com> wrote:

Hi Richard: Hope you are well. I know you were just appointed as Trustee in this Chapter 11 case and you probably haven't wrapped your hands around it yet. Notwithstanding, I represent the owner/landlord for the Tustin property. I have been trying to recover possession of the property from the Debtor since this case was filed as we believe they ceased operations in the property some time ago. The Debtor's counsel would not respond to my requests for possession and I filed a motion for relief from stay to proceed with our state court UD. The RFS motion was granted on May 3rd. A copy of the Order is attached.

Both at the 341 hearing (on May 2nd) and at the RFS hearing, the Debtor and Debtor's counsel represented that they had some furniture and furnishings to remove from the property and that they would turn over keys and possession of the property no later than May 8th.

Big surprise, May 8th came and went and they failed to deliver possession.

Now that you are Trustee, can you return possession of the property to my client and authorize them to change the locks? That will help to minimize our administrative rent claim against the estate. Our RFS order allows us to dispose of any personal property remaining in the premises per the Civil Code. We will do an inventory of anything left in the space; provide notice of what's left to you and the Debtor and counsel; and you can decide what you want us to do with it. We have not run a UCC-1 search, but I am guessing there are secured creditors who also would be entitled to notice to reclaim, but we can cross that bridge once possession is returned.

Thanks, Ron Brown

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

901 Dove Street, Suite 120
Newport Beach, California 92660

A true and correct copy of the foregoing document entitled (specify): DECLARATION OF RONALD K. BROWN, JR. IN SUPPORT OF SDCO TUSTIN EXECUTIVE CENTER, INC.'S MOTION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/20/23, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 11/20/23, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Litigation Practice Group P.C.
Attn: President
17542 17th St., Suite 100
Tustin, CA 92780
Debtor

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 11/20/23 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Scott C. Clarkson
United States Bankruptcy Court -Central District of California
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

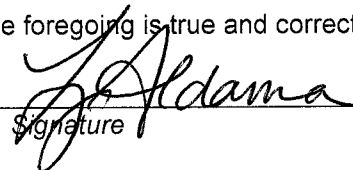
11/20/23

LESLEY ALDAMA

Date

Printed Name

Signature



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8:23-bk-10571-SC Notice will be electronically mailed to:

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Eric Bensamochan on behalf of Interested Party Courtesy NEF
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Jenny L Doling on behalf of Interested Party National Consumer Bankruptcy Rights Center
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Christopher Ghio on behalf of Trustee Richard A Marshack (TR)
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Jonathan Serrano on behalf of Trustee Richard A Marshack (TR)
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Johnny White on behalf of Interested Party Courtesy NEF
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June 2012

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